

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MONTEL,

Plaintiff,

v.

**UMASS CORRECTIONAL HEALTH
CARE, et al.,**

Defendants.

**Civil Action No.
14-12769-FDS**

MEMORANDUM AND ORDER

SAYLOR, D.J.

Plaintiff Michael Montel originally filed a joint complaint that was part of a multi-plaintiff civil rights action. *See Stote, et al. v. UMass Correctional Health Care, et al.*, C.A. No. 13-10267-NMG (the “2013 action”). The 2013 action was initiated by MCI Norfolk inmate John E. Stote, and alleged inadequate medical care at MCI Norfolk. On June 25, 2014, the judge assigned to the 2013 action severed the individual prisoner claims into separate cases. *See* No. 13-10267-NMG, Memorandum and Order of June 25, 2014 (the “June Order”).

The June Order directed each plaintiff who wished to prosecute his own claims to either (1) pay the \$400 filing fee or (2) file an application to proceed in district court without prepaying fees or costs within sixty days. The June Order also warned that failure to pay the fee or seek leave to proceed without prepayment of the fee may result in dismissal of the individual action without prejudice. *Id.*

Pursuant to the directives of the June Order, the Clerk opened a new case for plaintiff. A copy of the June Order was mailed to Montel on June 30, 2014.

Plaintiff has not responded to the Court's order and the time to do so has expired. The

documents sent to him were not returned to the Court as undeliverable and a search of the on-line Victim Information & Notification Everyday (VineLink) homepage reveals that he is still incarcerated at MCI Norfolk. *See* VineLink Offender Locator, <http://www.vinelink.com> (last visited Oct. 5, 2014).

ACCORDINGLY, it is ORDERED that this action is DISMISSED without prejudice and without assessment of the filing fee.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: October 22, 2014